

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7

8 MARGOT CAMP et al.,

No. C -13-03386(EDL)

9 Plaintiffs,

ORDER REGARDING ADR SCHEDULE

10 v.

11 JEFFREY P ALEXANDER DDS, et al,

12 Defendants.
13 _____/

14 The Court issued an order on February 14, 2014 that addressed many of the issues in this
15 putative wage-and-hour class action and ordered production of documents related to the potential
16 class of Defendants' employees by March 21, 2014. Docket No. 92 at 9. The parties stipulated to a
17 mediation deadline of February 28, 2014 in September 26, 2013. Docket No. 13.

18 Plaintiffs have filed an ex parte application requesting that the ADR deadline be extended
19 from February 28, 2014 to May 30, 2014. Docket No. 94. They argue that they have not received
20 sufficient discovery to engage in a meaningful mediation session, and point out that for several
21 weeks in January and February of this year they thought the case would be stayed.

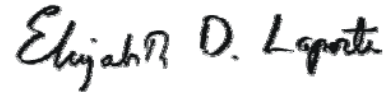
22 Defendants oppose the extension of the mediation deadline, and have filed both an
23 opposition to Plaintiffs' ex parte request and a noticed motion to compel mediation and for contempt
24 sanctions, as well as a motion to shorten time for the hearing of those motions. Docket Nos. 97, 98,
25 99. Defendants point out that Plaintiffs' ex parte request is improper because it was made fewer
26 than 14 days before the deadline it seeks to extend, in violation of ADR Local Rules 6-4(b) and 6-
27 5(a). Defendants also observe that Plaintiffs selected the mediator (Mark Rudy) and Defendants
28 agreed to the selection; Defendants proposed a number of dates to Plaintiffs during December and
January, but Plaintiffs refused. On February 20, 2014, Defendants learned that February 28, 2014 –

1 the day of the mediation deadline – was available. Defense counsel advised Plaintiffs’ counsel of
2 the date, and he agreed to mediate on that date as long as Defendants paid all costs. Docket No. 99-
3 1, at 3. Defense counsel agreed to pay 75% of the costs, but Plaintiffs’ counsel refused to proceed,
4 and shortly thereafter filed his ex parte request to continue the mediation deadline. Defendants ask
5 that the Court compel mediation by March 31, 2014 and order Plaintiffs to pay the full cost as a
6 sanction.

7 The hearing set for April 1, 2014 is hereby VACATED and the motion to shorten time is
8 DENIED AS MOOT. Defendants’ motion for sanctions is DENIED. Defendants’ motion to compel
9 arbitration is GRANTED IN PART AND DENIED IN PART. The Court orders that the deadline
10 for the parties to participate in private mediation is moved to April 15, 2014. The parties are hereby
11 ordered to split the costs of mediation evenly between them.

12
13 **IT IS SO ORDERED.**

14
15 Dated: February 25, 2014



16 ELIZABETH D. LAPORTE
17 United States Chief Magistrate Judge
18
19
20
21
22
23
24
25
26
27
28